

REMARKS

Applicant respectfully requests consideration and entry of the above amendments even though presented after a final rejection. Applicant submits that the amendments represent patentable subject matter over the cited prior art, and do not raise new issues or require a new search. Further, consideration and entry of the amendments may place the claims in better condition for appeal, if necessary, by reducing the outstanding issues. The amendments were not presented earlier in the prosecution due to a better understanding of the Examiner's position as reflected in the latest Office Action.

Claims 1-19 stand in this application. Claims 1 and 14 have been amended. Reconsideration and allowance of the standing claims are respectfully requested.

Claims 1-9 and 14-19 have been rejected under 35 U.S.C. 102(b) as being anticipated by European Patent No. EP1091550A2 (Shaffer). Applicant respectfully requests reconsideration and removal of this rejection.

Shaffer is directed to a technique to optimize selection of media stream mixing locations for a multipoint conferencing system. Shaffer, Col. 2: Lines 55-58. The optimizing may be based on network costs or endpoint coding resources. Id. at Col. 3: Lines 1-3. The optimizing occurs by selecting a multipoint control unit (MCU) to mix the different media streams. Id. at Col. 4: Lines 4-6.

Claims 1-9 and 14-19 define over Shaffer. Claims 1-9 and 14-19 each recite, either directly or indirectly, the feature of creating an audio bridge session using an access number of a call terminal participating in the audio bridge session. According to the Office Action, Shaffer teaches "the MCUC 105a receives conference call setup

requests, including, for example identifications of the parties involved...” at Col. 5, Lines 21-23. Office Action, Page 5. The Office Action concludes that “the identification of the request party is a kind of access number to create an audio bridge session.” Id.

Applicant respectfully disagrees.

Shaffer does not use the identification of the parties to set up an audio bridge session. Rather, Shaffer uses the identification of the parties to determine whether to transfer a call from one MCU to another MCU to “optimize network costs” or “optimally balance coding resources” based on preferences associated with the conference participants and their geographic location. Shaffer, Col. 2: Line 55 to Col. 3: Line 9, Col. 4: Lines 16-47, Col. 6: Lines 3-20, and so forth. Shaffer states that the identification of the parties is used to access “its database for information related to MCUs associated with the existing and requested parties to the conference.” Shaffer, Col. 6: Lines 7-9. Hence, the identification of the parties is to access a preference database. Shaffer reinforces this point by stating that “MCUC 105a determines the optimal mixing location based on the stored preferences.” Id. at Lines 10-12 (Emphasis Added). By way of contrast, the claimed subject matter uses an access number for a call terminal participating in the audio bridge session to form an audio bridge session. Although Applicant believes that claims 1-9 and 14-19 in their previous form represented patentable subject matter over Shaffer, Applicant has nevertheless amended independent claims 1 and 14 in an attempt to further clarify this point. Consequently, claims 1 and 14 as amended state that an “access number for one of said call terminals that is designated a bridge number.” Shaffer fails to disclose an “access number” as recited in the claimed subject matter, let alone an “access

number” that is “designated a bridge number.” Accordingly, removal of the rejection for claims 1-9 and 14-19 is respectfully requested.

Claims 10-13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer in view of United States Patent Application Publication Number 2002/0078150 A1 (Thompson). Applicant respectfully requests reconsideration and removal of this rejection.

Claims 10-13 each recite the feature of a “bridge table having an access number for a call terminal and information indicating whether said access number is also a bridge number.” At least this feature is not shown by Shaffer or Thompson.

Claims 10-13 define over Shaffer in view of Thompson. As correctly noted in the Office Action, “Shaffer does not disclose that the bridge table has information indicating whether the access number is also a bridge number.” Office Action, Page 4. The Office Action states that the missing feature is shown by Thompson since “Thompson teaches that terminals are connected to establish a conference bridge based on an assigned session ID; figs. 3-4 and 27-32; paragraphs [0146], [0157-0158], [0160], [0168-0169], [0179], [0184].” Id. As acknowledged by the Office Action, Thompson discloses an “assigned session ID.” As clearly stated by Thompson, “[t]he VTE server also assigns a session ID (step 506) to the session.” Thompson, Paragraph [0146]. Since the session ID is assigned, it follows a fortiori that the session ID is not “an access number for a call terminal and information indicating whether said access number is also a bridge number” as recited in claims 10-13. Consequently, even if Shaffer and Thompson were combined they would still not disclose the claimed subject matter.

In addition, the Office Action has failed to meet its burden of establishing a *prima facie* case of obviousness. According to the MPEP, three basic criteria must be met to establish a *prima facie* case of obviousness. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP 706.02(j). The Office Action has failed to meet the third criteria as discussed previously. Further, the Office Action has failed to meet the first criteria. More particularly, the Office Action has failed to disclose some suggestion or motivation to combine Shaffer and Thompson. According to the Office Action, it would have obvious to combine Shaffer and Thompson in order "to quickly establish the conference and improve the call management in the system." Office Action, Page 4. This motivation, however, may generally apply to any call management system, therefore suggesting or motivating every combination of any number of references. Neither Shaffer nor Thompson provides a suggestion or motivation to combine their systems in an attempt to arrive at the claimed subject matter.

For at least the above reasons, Applicant submits that claims 1-19 recite novel features not shown by the cited references. Further, Applicant submits that the above-recited novel features provide new and unexpected results not recognized by the cited

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references. Accordingly, Applicant submits that the claims are not anticipated nor rendered obvious in view of the cited references.

It is believed that claims 1-19 are in allowable form. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

The Examiner is invited to contact the undersigned at 724-933-3387 to discuss any matter concerning this application.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 02-2666.

Respectfully submitted,

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Under 37 CFR 1.34(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to:
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6-1-04
Date

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